REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 5-33 and 37-42 are pending in this application, of which Claims 5-33 are withdrawn from consideration. Claims 37-42 are amended, support for which is found in the application as originally filed. Therefore, it is respectfully submitted no new matter is added.

In the outstanding Office Action, Claims 37-38 were rejected under 35 U.S.C. §101; and Claims 37-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over EP 1069567 (Asano) in view of U.S. 2003/0145183 (Muehring).

Additionally, the Advisory Action dated September 24, 2009 indicated that amending Claim 37 to recite, for example "generating, by a data processing device of the media verification system, a plurality of ...," would overcome the rejection under 35 U.S.C. §101. Consequently, Claim 37 is amended herewith to recite the above-noted language. Accordingly, it is respectfully submitted the rejection under 35 U.S.C. §101 should be withdrawn.

Amended Claim 37 recites, *inter alia*:

> generating, by the data processing device, a plurality of different identification data elements, *each of the plurality of different identification data elements including a generated signature data element and the message data element used in the generating of the generated signature data elements*, and storing the plurality of different identification data elements in an electronic memory of the media verification system;
> assigning one of the plurality of generated identification data elements to each of a plurality of different recording media;
> recording, by a media writing device of the media verification system, one of the plurality of generated identification data elements to an assigned recording media;
> [Emphasis added]

As emphasized above in amended Claim 37, a plurality of different identification data elements are generated, where each identification data element includes both (1) a different generated signature data element (of the plurality of generated signature data elements) and

(2) the message data element used in the generation of the different signature data elements.
In particular, according to Claim 37, the same message data element is commonly included
with different signature data elements to form an identification data for each of a plurality of
recording media. It is respectfully submitted Asano fails to disclose or suggest this feature.

Asano describes a process which starts out with a random pattern being recorded onto
an optical disk.[1] The random pattern is read from the optical disk in an analog manner and is
converted into a digital random pattern, which is then supplied to an authentication data
creation part as medium identification information 'r', which is unique to the optical disk.[2]
Then, a digital signature is affixed to the medium identification information 'r' to be used as
authentication data.[3]

As shown in Fig. 3 of Asano, additional information 'u' is added to the medium
identification information 'r' to create data 'm'. The additional information 'u' includes
information such as manufacturing date of the medium and a manufacturer ID.[4] A signature
data 's' is then created with respect to the data 'm' by using a secret key corresponding to a
public key.[5]

Although not particularly identified in the Office Action, Applicant assumes the
Office Action identifies the data 'm' in Asano as equivalent to the message data element
recited in Claim 37. However, in Asano, since the data 'm' includes additional information
'u' and medium identification information 'r', *both of which are variables depending on
properties of the particular optical disk in question, data 'm' cannot be the same amongst a
plurality of recording media*. Therefore, it is respectfully submitted that the data 'm' does
not satisfy Claim 37, because Claim 37 recites that *the* message data element (as opposed to a

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[1] Asano, paragraph [0021] and Fig. 1.
[2] Asano, paragraphs [0033].
[3] Asano, paragraphs [0034].
[4] Asano, paragraphs [0037], step 1 of Fig. 3.
[5] Asano, paragraphs [0034] and [0037], step 2 of Fig. 3.

different or unique message data element) is included with each of the *different* identification data elements.

None of the other cited references remedy this deficiency in <u>Asano</u>.

Although directed at a different statutory class and/or varying in scope, it is respectfully submitted that Claims 39 and 41 recite features which are allowable over cited references for substantially the same reasons noted above regarding Claim 37. Therefore, it is respectfully submitted that Claims 37, 39 and 41 (and any claim depending therefrom) is allowable over the cited references, and it is respectfully requested that the rejection in view of <u>Asano</u> be withdrawn.

Consequently, in view of the present amendment and in light of the above comments, it is respectfully submitted this application is in condition for allowance. An early and favorable action to that effect is respectfully requested.
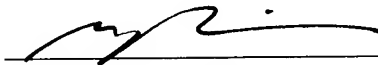
Respectfully submitted,

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